THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 26-12-2005

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WRIT PETITION No.27415 OF 2005

BETWEEN:

S.Kaja Hussain . . .Petitioner

And

The Regional Manager, APSRTC, Kurnool

and another . . .Respondents

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WRIT PETITION No.27415 OF 2005

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O R D E R:

The petitioner was employed as a Driver, to be assigned the duties on casual basis, in the year 2000. He performed his duties for some time, as and when they were assigned to him. A strike was called in the organization in the month of October, 2001. The Corporation issued notifications dated 12-10-2001 and 19-10-2001 requiring the casual drivers, to report to duties. The notifications were published in the press. The petitioner did not respond to the same. Therefore, the Regional Manager, Kurnool, first respondent, issued a final notice, dated 30-10-2001, informing the petitioner that if he fails to report to the duty, it would be deemed that he is not interested in being engaged as driver and that his name would be deleted from the list of selected candidates without any further notice. The petitioner challenges the action of the respondents in deleting his name.

Sri S.M.Subhan, learned counsel for the petitioner, had urged several contentions before this Court challenging the action of the respondents. He has also placed reliance upon the orders passed by this Court in some of the writ petitions.

Learned standing counsel for the respondents, on the other hand, submits that the respondents followed the procedure prescribed by law and the petitioner cannot be said to have suffered any and that it cannot be said that there is any illegality in their action.

A perusal of the final notice, dated 30-10-2001, discloses that the first respondent has put the petitioner on notice and informed that in case, he does not report to duty, it will be deemed that he has no interest in being continued in

the list of selected drivers. It was also informed that no further notice would be issued in the matter of deletion of the names from the list. Reference was also made to two notices published in the press.

The petitioner has not submitted any explanation to the final notice nor did he report to duty. The necessity of conducting a regular departmental enquiry did not arise, on account of the fact that the petitioner was not yet appointed as a full member of service. The respondents have given ample opportunity to the petitioner and complied with the principles of natural justice. No exception can be taken for their action in deleting the name of the petitioner from the list of approved drivers.

The writ petition is accordingly dismissed. It is, however, made clear that as and when the respondents undertake any recruitment of any category to the post of driver, the case of the petitioner shall also be considered. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

26th DECEMBER, 2005.

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